

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EK VENTURES I, LLC; DAVID L.
TAYLOR; DAVID L. TAYLOR AND
VIRGINIA L. ATYLOR as TRUSTEES
FOR THE TAYLOR FAMILY
REVOCABLE TRUST; and
FLEXTRONICS INTERNATIONAL
LTD.,

Plaintiffs,

v.

JAMES R. BARTLETT and Z.B.R.
PUBLICATIONS, INC.,

Defendants,

and

JAMES R. BARTLETT,

Third Party Plaintiff,

v.

GLOBALWARE SOLUTIONS, INC.,
ANTHONY RUDSTON and BRADELY A.
JAY,

Third Party Defendants.

C.A. No. 03-CV-12506-NMG

**DEFENDANT JAMES R. BARTLETT'S MOTION TO COMPEL PLAINTIFFS
TO PRODUCE DOCUMENTS RESPONSIVE TO HIS SECOND REQUEST**

The Plaintiffs have failed to produce documents responsive to James R. Bartlett's Second Request For Production Of Documents To Plaintiffs. Counsel for Plaintiffs is unable to say when those documents will be produced. Accordingly, defendant James R. Bartlett ("Bartlett") hereby moves for an order of this Court compelling the Plaintiffs to produce the documents

responsive to Bartlett's Second Request For Production which the Plaintiffs have said they will produce.

In support of his motion, Bartlett respectfully refers the Court to Defendant Bartlett's Memorandum In Support Of His Motion To Compel Plaintiffs To Produce Documents Responsive To His Second Request, which is submitted herewith.

WHEREFORE, for the forgoing reasons, Bartlett respectfully requests that the Court:

- a. order Plaintiffs to produce all non-privileged documents responsive to Bartlett's document requests nos. 6-11 and 13-25 within ten (10) calendar days of the court's order; and
- b. grant such other and further relief as the Court deems just and proper.

REQUEST FOR HEARING

Pursuant to Local Rule 7.1(D), Bartlett requests a hearing on his motion to compel.

Defendant,

JAMES R. BARTLETT


By his attorneys,

A handwritten signature in black ink, appearing to read 'Tom Fitzpatrick', is written over a horizontal line.

Thomas S. Fitzpatrick/BBO #556453
DAVIS, MALM & D'AGOSTINE, P.C.
One Boston Place, 37th Floor
Boston, MA 02108
(617) 367-2500

CERTIFICATION OF COMPLIANCE WITH LOCAL RULES 7.1(A)(2) AND 37.1(A)

I, Thomas S. Fitzpatrick, hereby certify that on January 11, 2005, I had a teleconference with plaintiffs' counsel, Douglas Roach, during which we conferred and attempted in good faith to narrow the issue raised by the above motion and that the provisions of Local Rules 7.1(A)(2) and 37.1(A) were complied with.


Thomas S. Fitzpatrick

Dated: January 13, 2005

CERTIFICATE OF SERVICE

I, Thomas S. Fitzpatrick, hereby certify that on January 13, 2005, the above motion, was sent electronically to:

David F. Anderson danderson@lattianderson.com

Douglas R. Roach droach@groffmurphy.com

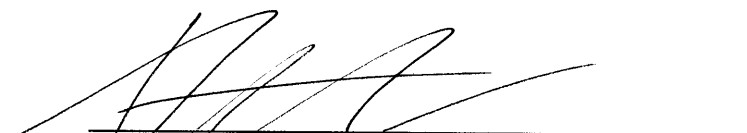
David M. Ryan dryan@nixonpeabody.com

Melissa B. Tearney mtearney@nixonpeabody.com

and by first class mail to:

Douglas R. Roach

Melissa B. Tearney


Thomas S. Fitzpatrick